

CLEAR US DISTRICT COURT
NORTHERN DIST. OF TX
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United States District Court

2012 APR 10 AM 11: 51

NORTHERN

DISTRICT OF

TEXAS
DEPUTY CLERK

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UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

ERIKA SUSAN PERDUE

CASE NUMBER: 3-12-MJ- 154

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 10, 2012, in Dallas Division of the Northern District of Texas defendant,

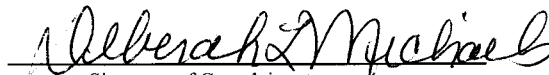
transported or shipped child pornography using a means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer

in violation of Title 18, United States Code, Section(s) 2252A(a)(1).

I further state that I am a Special Agent with Federal Bureau of Investigation, (FBI) and that this complaint is based on the following facts:

See attached Affidavit of Special Agent, Deborah Michaels, Federal Bureau of Investigation, (FBI) is incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part hereof: X Yes No



Signature of Complainant

DEBORAH MICHAELS
Special Agent, FBI

Sworn to before me and subscribed in my presence, on this 10th day of April, 2012, at Dallas, Texas.

JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer



Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR COMPLAINT**

I, Deborah Michaels, a Special Agent (SA) with the Federal Bureau of Investigation, being duly sworn, depose and state as follows:

Introduction

1. I have been employed as a Special Agent of the FBI since April 2003, and am currently assigned to the Dallas Division located at One Justice Way, Dallas, Texas 75220. Prior to becoming a Special Agent, I was employed with the FBI for over 16 years as an Intelligence Research Specialist. Since joining the FBI, I have been involved in investigations of violent crimes, illegal narcotics, organized crime, and computer crimes. I am currently assigned to investigate Sexual Exploitation of Children (SEOC) violations of federal law. I have gained expertise in the conduct of such investigations through training in seminars, classes, and everyday work related to conducting these types of investigations. I also have participated in training in the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States. The information contained in this affidavit is based on my personal knowledge and experience, as well as information provided by other law enforcement officers. Since this

affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation.

3. I have been involved in an investigation involving the activities of ERIKA SUSAN PERDUE (PERDUE). At the time of the investigation, PERDUE is residing in Dallas, Texas. PERDUE was born on September 14, 1970. As will be shown below, there is probable cause to believe that on or about January 4, 2012 and January 5, 2012, PERDUE knowingly mailed, transported and shipped in interstate commerce by any means, including by computer, a visual depiction of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, in violation of Title 18, U.S.C. Section 2252A(a)(1) (Certain activities relating to material involving the sexual exploitation of minors.)

4. The above criminal acts were committed by PERDUE in the Northern District of Texas.

BACKGROUND OF THE INVESTIGATION

5. On January 4, 2012, Special Agent (SA) Daniel O'Donnell of the FBI Office located in Linthicum, Maryland, using a computer connected to the Internet, launched a publicly available peer-to-peer (P2P) file sharing program. SA O'Donnell, acting in an undercover capacity and while assuming someone else's identity, queried the network of friends and observed that an individual using the username, "Classybitch" was logged onto the network. "Classybitch" allowed SA O'Donnell to view and download

files from "Classybitch's" computer. When SA O'Donnell browsed "Classybitch's" shared folder he observed approximately 287 files, many of which contained names consistent with child pornography. SA O'Donnell selected approximately seven (7) video files, and began to download these files directly from "Classybitch's" computer. During the download of these files, SA O'Donnell used a network monitoring program in order to identify the IP address of "Classybitch's" computer. SA O'Donnell was able to determine that the IP address of "Classybitch's" computer was 71.14.137.15.

6. SA O'Donnell reviewed the seven downloaded files and found that all or most of the files depicted child pornography. Three files downloaded that depicted child pornography had the following names and are briefly described:

a) **! 2yo + mom+dadf..-4.wmv** This is a video file depicting a prepubescent nude female child engaged in oral to genital contact with an adult female. Specifically, the adult female is performing oral sex on the prepubescent female child. Also, this video file depicts a nude female child engaged in genital to genital contact with an adult male. Specifically, the adult male is penetrating the child.

b) **!!!!fuck 03yo.avi** This is a video file depicting a prepubescent nude female child engaging in genital to genital contact with a nude adult male in a bathtub.

c) **Taboo Incest - Grampa Fucks Sleeping Girl Pthc Porn [2007].mpg** This is a video file depicting a nude prepubescent female child engaged in genital to genital contact with an adult male's erect penis. Specifically, the adult male is

penetrating the child, who is lying on her back on a bed.

7. On January 5, 2012, FBI Task Force Officer (TFO) Jeff Rich, using a computer connected to the Internet, launched a publicly available P2P file sharing program from the Plano Police Department located in Plano, Texas. TFO Rich, acting in an undercover capacity and while assuming someone else's identity, queried his network of friends and observed that an individual using the username "Classybitch" was logged onto the network. "Classybitch" allowed TFO Rich to view and download files from "Classybitch's" computer. TFO Rich browsed "Classybitch's" shared folder and observed numerous files, many of which contained names consistent with child pornography. TFO Rich selected three (3) video files and eleven (11) image files, and began to download these files directly from "Classybitch's" computer between 12:43 p.m. CST and 1:03 p.m. CST. During the download of these files, TFO Rich used a network monitoring program in order to identify the IP address of "Classybitch's" computer. TFO Rich was able to determine that the IP address of "Classybitch's" computer was 71.14.137.15.

8. When TFO Rich reviewed the files, most of the fourteen (14) image and video files depicted child pornography. Three files downloaded that depicted child pornography had the following names and are briefly described:

a) **06526077746873046244227674654581.jpg** This is an image file that depicts a prepubescent female child engaged in genital to oral contact with an adult

female. Specifically, the female child is nude from the waist down, lying on her back on a bed, with an adult female performing oral sex on the prepubescent female child.

b) **2khXE.jpg** This is an image file of a prepubescent nude female sitting on the lap of a female, spreading her legs and exposing her genitals.

c) **(PTHC) Dad & 8Yo Daughter Canadian in Webcam.avi** This is a video file depicting an adult male inserting an object into the genitals and anus of a prepubescent nude female child, as well engaging in genital-anal sex with the child.

9. A search of the American Registry for Internet Numbers (ARIN) online database indicated that IP address 71.14.137.15 is registered to the Internet Service Provider Charter Communications. According to ARIN's website, ARIN is a nonprofit organization responsible for managing the Internet numbering resources for North America, and a portion of the Caribbean. An administrative subpoena was served on Charter Communications by the Dallas Division of the FBI, as well as the FBI Office located in Linthicum, Maryland, for the dates and specific times the files were downloaded from IP address 71.14.137.15. Results from the administrative subpoenas sent to Charter Communications for the dates and times the files were downloaded revealed that the IP address was assigned to the account registered to her husband at their address in Dallas, Texas.

10. Affiant has searched various records indices for information regarding the address. Affiant determined the residence is owned by ERIKA PERDUE'S husband.

11. On April 10, 2012, FBI Agents executed a federal search warrant at PERDUE's home. While at the residence, agents spoke with ERIKA PERDUE. PERDUE admitted that she had used file-sharing programs since 1999. She further advised since 1999, she has received, distributed and possessed images and videos of the sexual exploitation of minors. She also stated that one of her screen names is "Classybitch," which she has recently updated to "Classsybitch." SA Deborah Michaels showed the images and screen shots of the videos to ERIKA PERDUE that had been transported to law enforcement in January of 2012. She confided that because she has collected so much child pornography, that she could not remember if she had transported the specific images and videos to law enforcement on those dates. She also confessed that she used file-sharing child pornography everyday, including the day prior. She stated that she traded child pornography while her husband was at work. She admitted that she is aware that others are downloading child pornography from her shared files.

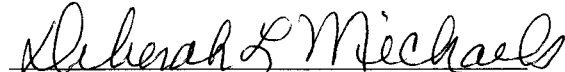
12. On April 10, 2012, a cursory review was conducted of her computer, seized from her residence in Dallas, Texas. Child pornography was located on her computer, including one of the videos that was downloaded by SA O'Donnell: **! 2yo + mom+dadf..-4.wmv**, described above in paragraph 6.

CONCLUSION

13. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that on or about January 4, 2012 and

January 5, 2012, ERIKA SUSAN PERDUE violated Title 18, U.S.C., Section 2252A(a)(1), which makes it a federal crime for any person to knowingly mail, transport or ship using any means or facility of interstate commerce or in or affecting interstate or foreign commerce by any means, including a computer, a visual depiction of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct.

I respectfully request that this Court issue an arrest warrant for ERIKA SUSAN PERDUE.


DEBORAH L. MICHAELS
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me this 10th day of April, 2012.


JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE